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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE

ALASKA CARPENTERS HEALTH AND
WELFARE FUND,

Plaintiff,

vs.

SMITH MASONRY, INC.,

Defendant.

Case No.

**COMPLAINT FOR DELINQUENT FRINGE BENEFIT
CONTRIBUTIONS (ERISA)**

For their complaint, plaintiffs allege as follows:

I. PARTIES AND JURISDICTION

1. Plaintiff Alaska Carpenters Health and Welfare Fund is a joint labor-management fund created pursuant to Section 302(c) of the Labor Management Relations Act (“LMRA”), 29 U.S.C. § 186(c), and the Employee Retirement Income Security Act (“ERISA”), 29 U.S.C. § 1001, *et seq.* as amended (“ERISA”).

2. Defendant Smith Masonry, Inc. (“Smith”) is an Alaska State corporation engaged in the business of general construction with its principal offices located at 6401 E. 8th Avenue, Anchorage, Alaska 99504.

3. Jurisdiction is conferred on this court by Section 301 of the LMRA, 29 U.S.C. § 186, and Sections 502(g)(2) and 515 of ERISA, 29 U.S.C. §§ 1132(g)(2) and 1145.

4. Venue lies in the United States District Court for the District of Alaska under ERISA § 502(e)(2), 29 U.S.C. §1132(e)(2).

II. CAUSE OF ACTION

6. At all material times, Smith has been party to a collective bargaining agreement (“CBA”) which obligates Smith to make certain fringe benefit contributions to plaintiff on behalf of its employees covered by the CBA.

7. For the period from February 2011 through the present, Smith has failed to make timely contributions to the plaintiffs in an amount to be proven at trial.

8. Plaintiff is governed by its Trust Agreement, which is incorporated into the CBA by reference. Under the terms of the Trust Agreement and under ERISA, Smith is obligated to pay liquidated damages, interest, reasonable attorney fees, and costs and expenses of suit.

9. WHEREFORE, based on the foregoing allegations, plaintiff prays for the following relief:

- a. A money judgment against Smith for the full amount of contributions, liquidated damages, interest, and reasonable attorney fees, and costs and

1 expenses of suit found to be owing to plaintiff to the date of the
2 judgment herein; and

3 b. For such other and further relief as this court deems just and equitable.

4 DATED this 20th day of October, 2011.

5 s/ Frank J. Morales

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